

**MEMO ENDORSED**

BAILEY DUQUETTE P.C.

 U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #:  
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October 4, 2021

**VIA ECF**

Hon. Judge Caproni  
 United States District Judge  
 Southern District of New York  
 40 Foley Square  
 New York, New York 10007

**Re: Pascual v. Dreamstime.com, LLC; Case No. 1:21-cv-04933-VEC**

Dear Judge Caproni:

The undersigned represents Defendant Dreamstime.com, LLC (“Dreamstime”) in the above-referenced matter.

Contrary to the assertion in Plaintiff’s September 30 letter that Dreamstime has not yet contacted Plaintiff, my co-counsel in Miami sent multiple emails to Plaintiff’s attorney Joseph Mizrahi over the past week on Dreamstime’s behalf, both to the email address provided in the docket report for this matter and to the email address provided in Mr. Mizrahi’s New York Bar profile. These messages have received no written response from Mr. Mizrahi. Dreamstime’s counsel has, however, engaged in settlement negotiations with Mr. Mizrahi’s associate, William Downes.

The initial conference for this matter is set for October 8, 2021, at 10:00 a.m. Although Dreamstime believes that Mr. Mizrahi’s reason for requesting an adjournment of the upcoming October 8th initial conference is unwarranted,<sup>1</sup> Dreamstime nevertheless joins in Mr. Mizrahi’s request for such adjournment in order to facilitate continuing settlement discussions.

Thank you for your time and consideration of the above request.

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<sup>1</sup> It should be noted that Your Honor’s pre-conference Order was clear that Dreamstime’s deadline to respond to the Complaint was stayed until at least the IPTC. *See* Order dated June 7, 2021 (ECF Dkt. No. 5). Plaintiff is therefore incorrect to assert that Dreamstime is in default.



BAILEY DUQUETTE P.C.

Respectfully submitted,

**Bailey Duquette P.C.**

*James Bailey*

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Counsel for Defendant must file a notice of appearance on the docket by no later than **Wednesday, October 6, 2021**. Defendant's time to answer, move, or otherwise respond to the Complaint is adjourned to **Friday, November 5, 2021**. The initial pre-trial conference, currently scheduled for Friday, October 8, 2021 at 10:00 A.M., is adjourned to **Friday, November 5, 2021 at 10:30 A.M.** Pre-conference submissions are due no later than **Thursday, October 28, 2021**. For a description of the pre-conference submissions requirements, the parties should consult the Court's Order at docket entry 5.

The November 5, 2021 conference will be held remotely. All parties and any interested members of the public must attend by dialing 1-888-363-4749, using the access code 3121171, and the security code 4933. All attendees are advised to mute their phones when not speaking and to self-identify each time they speak. Recording or rebroadcasting the proceeding is strictly prohibited by law.

The Clerk of Court is respectfully directed to close the open motion at docket entry 7.

SO ORDERED.

*Valerie Caproni*

Date: October 4, 2021

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE